

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. The petitioner did not pay rent during September, October or November of 2000. She asked for assistance from the Department of PATH on November 7, 2000 when she was \$2,450 behind in the rent. At that time, the Department discovered that she was receiving the child support and informed her that it must be turned over to them. She still has not taken that

step. When she does sign over her child support to the Department, she will receive an ANFC grant of \$899 (\$849 plus a \$50 child support passalong). The Department will keep all of the child support except for the \$50 passalong. The petitioner may be determined to have been overpaid for the months in which she has received child support without the Department's knowledge.

3. The petitioner's emergency assistance application was denied on November 7, 2000 because her rent was excessive and payment of the arrearage was expected to merely postpone not prevent homelessness. The Department reasoned that if the petitioner was unable to pay \$850 per month when she had \$1554.20 in income, she would certainly not be able to pay it when she has only \$899 in income per month.

4. In late November, the landlord sent the petitioner a notice to quit the house by December 14, 2000. Since that time, the petitioner has agreed to vendor her entire ANFC check directly to the landlord to cover the rent. She has also paid \$920 of the back rent out of her child support payments. The landlord has taken no further action to evict the petitioner since payments started and has indicated to the Department that he does not intend to do so. The petitioner

owes a balance of \$1,530 which she has requested through the Emergency Assistance program.

5. The petitioner believes that she can pay future rent with help from her fiancée and his family when he returns to the area which she thinks may be as soon as February. She is also planning to get a waitress job. She is reluctant to leave the house because her children are in the local school and because she has no money to move. The Department has advised the petitioner that she might be eligible for moving money but she does not want to make application for such assistance.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations adopted by the Department of PATH to provide rental or mortgage arrearage assistance to families on ANFC specifies, in pertinent part, as follows:

A family with children facing loss of shelter due to rental or mortgage arrearage may be eligible for payment of all or a portion of that arrearage when the family meets all of the following four criteria:

- (1) The family has received a notice of rental termination under 9 VSA § 4467(a) from the

landlord or a mortgage demand notice from the mortgage holder.

The notice of termination must have been sent by certified mail or served by a law enforcement office at least 14 days prior to the termination date specified in the notice.

. . .

- (2) There is a realistic probability that the payment will actually prevent homelessness, rather than postpone it.
- (3) The landlord or mortgage holder agrees to terminate any action intended to evict or otherwise cause the family to relocate as a result of the payment. The landlord must also agree not to reinstitute such action on the basis of obligations remaining as of the date of payment.
- (4) The family meets all other criteria for ANFC-EA eligibility

W.A.M. 2813.3

The Department has determined that the petitioner does not meet the criterion in paragraph (2) above because she cannot afford to continue to pay the monthly rent even if the Department were to cover the arrearage. Given the fact that the petitioner will have to support herself and her four children on \$49 per month once she pays her \$850 rent, the Department's belief that an arrearage payment will only postpone and not prevent homelessness is a reasonable one. If the petitioner can show that her income has increased or her

rent has decreased, she can make reapplication at any time for further assistance. She should be aware that assistance may be available to her for moving, should that become necessary. Her allegations that her income will increase in the future are too speculative to rely on at present.

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